

1 MS. SCHMELTZER: We're not going to reach that
2 stipulation because it's not accurate. The document to which
3 he's referring where, where this list was included says a
4 partial listing of KFUE-FM clients are. So it's not a whole
5 listing. It's all --

6 MR. GOTTFRIED: Your Honor, there's more problems.
7 Those -- some of those accounts are just salespeople that are
8 assigned to the accounts. They're not actual advertisers. If
9 you wanted to figure this out you'd probably give it a dollar
10 value or at least a time value but -- this account. I mean to
11 say if the St. Louis Symphony did \$250,000 worth of
12 advertising, and Gil's Grocery Store did \$2, you wouldn't say
13 that half of the advertisers had no contract. It's, it's a --

14 MS. SCHMELTZER: It's a very incompetent exhibit.
15 And Mr. Stortz is not the sponsor of, of Mr. Honig's
16 testimony.

17 MR. HONIG: It cuts, it cuts the other way, and it's
18 not my testimony. These are station records for which Mr.
19 Stortz was ultimately responsible as general manager. The
20 material that the station submitted and that is now in, in the
21 record, the station had the burden to make this argument as to
22 classical accounts, they've identified only these accounts.
23 Furthermore, even if it's not admitted there's, for the
24 purpose of showing the numbers of accounts, they haven't
25 offered any dollar figures. Some of the -- Hertz Rent-A-Car I

1 think probably has more money than the Ballet Conservatory. I
2 don't know how the dollars cut -- we're talking about the
3 numbers.

4 JUDGE STEINBERG: Okay. Put the, put the documents
5 in front of Mr. Stortz and ask your question, and we'll argue
6 about No. 60 some other day.

7 MR. HONIG: Okay --

8 JUDGE STEINBERG: I mean you're not asking Mr.
9 Stortz to, any questions about No. 60.

10 MR. HONIG: No, I just want him to authenticate.

11 BY MR. HONIG:

12 Q Are these 004209 through 004347, station records of
13 sales accounts and salespeople assigned to them?

14 A Can I correct one thing that was said?

15 Q Sure.

16 A I was not the general manager in 1989.

17 Q I'm sorry.

18 A Okay.

19 (Pause.)

20 A Okay, now your question again was --

21 Q My question is are those the station's sales records
22 for 1989 showing the salespeople and the accounts?

23 A These for at least for 7/20/89. I don't know if it
24 was all of them. But it does show -- this group of papers
25 does show some salespeople and what accounts they're assigned

1 to. I don't know if it's universal as far as the station
2 accounts were concerned or not.

3 MR. HONIG: Okay. Well, you're right, Your Honor.
4 That's all I needed to ask this witness about it. And if
5 you'd like to argue this another time --

6 JUDGE STEINBERG: Yeah, we'll argue that another
7 time.

8 MR. HONIG: Sure.

9 JUDGE STEINBERG: I'm --

10 MR. HONIG: In which case I have no further
11 questions for this witness.

12 JUDGE STEINBERG: Okay. Are you ready, Ms. Laden?

13 MS. LADEN: No.

14 JUDGE STEINBERG: Just thought I'd see what would
15 happen.

16 MS. SCHMELTZER: Would it be possible to take
17 Reverend Clancy? Can we start in the morning?

18 MS. LADEN: We have no objection.

19 JUDGE STEINBERG: Mr. Honig?

20 MR. HONIG: Well, in fact, if he's still here, I'm
21 having a second wind. I can do him now if he wants to fly
22 home tonight.

23 JUDGE STEINBERG: No, we won't. We'll start him at
24 9:30. So Mr. Stortz can sleep late. He can sleep until at
25 least 10:45.

1 WITNESS: Thank you.

2 JUDGE STEINBERG: Okay. You're not excused. And
3 he -- and Mr. Stortz understands the sequestration
4 restrictions?

5 MS. SCHMELTZER: Yes.

6 JUDGE STEINBERG: Okay, so this -- Mr. Honig's
7 cross-examination is complete. And we will commence tomorrow
8 morning at 9:30 and take a witness out of order. And thank
9 you very much, Mr. Honig, for your endurance and --

10 MR. HONIG: You, you had more faith in me --

11 JUDGE STEINBERG: -- and stamina.

12 MR. HONIG: -- than I had in myself.

13 JUDGE STEINBERG: I have enormous faith in you, Mr.
14 Honig.

15 MR. HONIG: At least my physical ability.

16 JUDGE STEINBERG: Well, you need to sleep.

17 MR. HONIG: I'm about to.

18 JUDGE STEINBERG: And you need to blow out all --

19 (Whereupon, at 6:15 p.m., the hearing was recessed
20 to reconvene on Wednesday, June 23, 1994 at 9:30 a.m.)
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IN RE APPLICATIONS OF CLAYTON, MISSOURI

Name

MM DOCKET NO. 94-10

Docket No.

WASHINGTON, D.C.

Place

JUNE 22, 1994

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 419 through 696, inclusive, are the true, accurate and complete transcript prepared from the reporting by BARBARA J. LORD in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

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